

BURR CREEK RANCH
14-LOT MAJOR SUBDIVISION AND ONE VARIANCE REQUEST
Subject to Ravalli County Subdivision Regulations, as amended August 4, 2005

STAFF REPORT FOR PLANNING BOARD

CASE PLANNER: Tristan Riddell *TR*

**REVIEWED/
APPROVED BY:** Renee Van Hoven *RV*

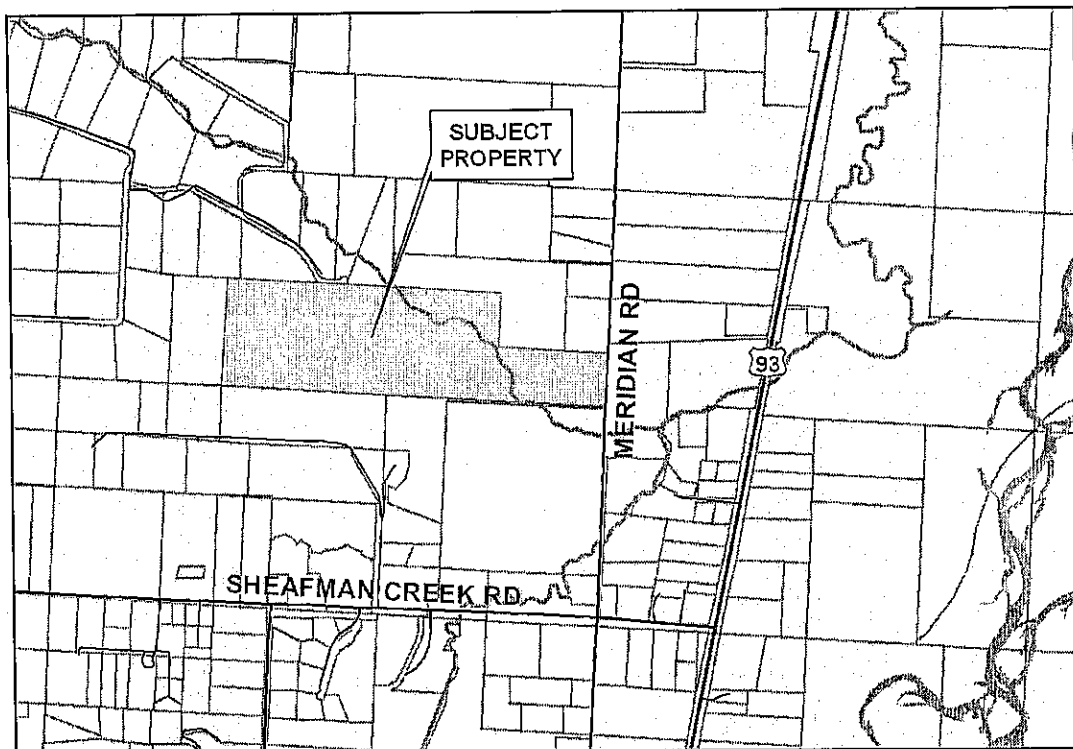
**PUBLIC HEARINGS/
MEETINGS:**

RCPB Plat Evaluation:	June 27, 2007
RCPB Public Hearing:	July 18, 2007
RCPB Public Hearing (Continuation):	September 5, 2007
Deadline for PB recommendation to BCC:	October 3, 2007
BCC Public Meeting:	TBA
Deadline for BCC action (Extended on 8/27/07)	November 20, 2007

APPLICANT/OWNER: Burr Creek Ranch, LLC
P.O. Box 421
Darby, MT 59829

REPRESENTATIVE: Bill Burnett, PCI, (406) 363-1201

LOCATION OF REQUEST: The property is located south of Victor off Meridian Road.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Tract A of Certificate of Survey 572247 located in the N1/2 of Section 24, T7N, R21W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on June 13, 2007. Agencies were notified of the subdivision and comments are included in the application and as Exhibits A-1 through A-5.

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on Tuesday, July 3, 2007. Notice of the project was posted on the property and adjacent property owners were notified by certified mail postmarked June 27, 2007. Public comments are included as Exhibits B-1 through B-4.

**DEVELOPMENT
PATTERN:**

Subject property	Vacant Residential
North	Large Lot Residential
South	Large Lot Residential
East	Large Lot Residential
West	Large Lot Residential

**APPLICABLE
REGULATIONS:**

The proposal is being reviewed under the Ravalli County Subdivision Regulations (RCSR), as amended August 4, 2005.

INTRODUCTION

The Burr Creek Ranch major subdivision is a 14-lot subdivision proposed on 150.49 acres located south of Victor. In conjunction with the subdivision proposal, the applicant is requesting relief from Section 5-4-4(h), Table B-1 of the RCSR, to allow the internal cul-de-sac road length to exceed 1,400 feet.

RAVALLI COUNTY PLANNING BOARD

SEPTEMBER 5, 2007

BURR CREEK RANCH 14-LOT MAJOR SUBDIVISION AND ONE VARIANCE REQUEST

RECOMMENDED MOTIONS

1. That the variance request from Section 5-4-4, Table B-1 of the Ravalli County Subdivision Regulations to allow for a maximum cul-de-sac length to exceed 1400-feet, be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.
2. That the Burr Creek Ranch Major Subdivision and Subdivision for Lease or Rent be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL OF THE SUBDIVISION AND VARIANCE

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Notification of Irrigation Facilities and Easements. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easements to maintain the ditches. (*Effects on Agricultural Water User Facilities*)

Notification of Road Maintenance Agreement. Ravalli County, the State of Montana, or any other governmental entity does not maintain Burr Creek Ranch Road or the emergency access through Moose Hollow Road, and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for this road was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. If Burr Creek Ranch Road and Moose Hollow Road are not maintained year-round, the Victor Rural Fire Department may not travel on the road in certain conditions. (*Effects on Local Services*)

Notification of Proximity to Fred Burr Creek. Fred Burr Creek Traverses the subdivision. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. It is recommended that future lot owners obtain flood insurance. (*Effects on Natural Environment and Public Health and Safety*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of

the severe soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

Limitation of Access Onto County Roads. A non-ingress/egress zone exists along Meridian Road which restricts vehicular access onto this County-maintained road, excepting the approved location for the internal subdivision road. All lots within this subdivision must use the approved access point. This limitation of access may be lifted or amended with approval of the Board of County Commissioners. (*Effects on Local Services and Public Health and Safety*)

2. Protective covenants for the entire One Horse Estates Subdivision shall be submitted with the final plat for the first phase that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, coyote, fox, skunk, and raccoon. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** must be stored in secure bear-resistant containers or indoors to avoid attracting wildlife such as bears and raccoons. If stored indoors, garbage cans may not be set out until the morning of garbage pickup, and must be taken back indoors that day after garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of their owner(s), and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets [and/or livestock]** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Permanent, outdoor barbecues grills are discouraged in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and/or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.
- j. **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Board of County Commissioners).

Riparian Covenants. Healthy, naturally functioning riparian areas benefit fish and wildlife, as well as agriculture and recreation. The goal of the no-build/alteration zones along the riparian area associated with Fred Burr Creek traversing the subdivision is to help preserve the water quality and functionality of these drainage areas, protect and enhance potential riparian areas, and protect property from eroding banks and possible flooding. (*Effects on Natural Environment and Wildlife and Wildlife Habitat*)

The following covenants apply to the no-build/alteration zones along Fred Burr Creek, as shown on the final plat:

- a. No new building or alteration is allowed in the zone.

- b. Only non-motorized access is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zone. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns or crops in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In summary, allow the natural drainage areas to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- g. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone located along Fred Burr Creek, as shown on the plat, to restrict building in areas with riparian vegetation and potential wetlands. No new structure, with the exception of fences, may be constructed in this area. No new utilities, with the exception of wells, may be constructed in this area. Additionally, there are areas on the property with slopes greater than 25%. These areas are also designated as no-build/alteration zones on the final plat. *(Effects on Natural Environment and Public Health and Safety)*

Temporary No-Build Zone. There is a temporary building restriction zone, as shown on the plat, associated with the Clear Weather Breach Zone of the Fred Burr Dam. This zone may be removed or its extent revised based on new base data collected on the Fred Burr Dam Inundation area or in the event that the status of the dam is increased to "high hazard" as a result of off-site development within the Clear Weather Breach Zone. No permanent dwelling structures shall be allowed in this zone while it is in place. *(Effects on Public Health and Safety)*

Protection of Bobolink Habitat. The Bobolink may utilize this property for nesting and feeding. In order to protect this species of concern, the elimination of sheltering shrubs and general mowing shall be limited to an area of 0.5 acres immediately adjacent to the dwelling unit on Lots 1 through 4. Landowners are encouraged to limit the number of horses on the property, as they might destroy Bobolink habitat. *(Effects on Wildlife & Wildlife Habitat)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Victor Rural Fire District has adopted the Uniform Fire Code which requires the lot owners to post the County-issued addresses at the intersection of the driveways leading to all residences as soon as construction on the residences begins. *(Effects on Local Services & Effects on Public Health and Safety)*

Primary Heat Source. The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing

light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Effects on Natural Environment and Public Health & Safety*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Effects on Public Health & Safety*)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Effects on Natural Environment*)

Amendment. The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Effects on all six criteria*)

3. The applicant shall include an RSID/SID waiver in a notarized document filed with the subdivision plat of each phase that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. (*Effects on Local Services*)
4. Easements for Burr Ranch Road shall be labeled as public road and utility easements on the final plat. (*Effects on Local Services*)
5. A stop sign and road name sign, at the intersection of Burr Ranch Road and Meridian Road, shall be installed and approved by the Ravalli County Road and Bridge Department prior to final plat. (*Effects on Local Services and Public Health and Safety*)
6. A no ingress/egress zone shall be placed along the Meridian Road frontage of the subdivision, excepting the approach as approved by the Ravalli County Road and Bridge Department, on the final plat. (*Effects on Local Services and Public Health and Safety*)
7. The applicant shall submit a letter or receipt from the Victor School District stating that they have received an amount per lot (to be recommended by the Planning Board and approved by the Board of County Commissioners in consultation with the subdivider and the School District) prior to final plat. (*Effects on Local Services*)
8. The subdivider shall submit an (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into account for the Sheriff's Office prior to final plat approval. (*Effects on Local Services*)
9. The applicant shall meet the water supply requirements for the Victor Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Victor Rural Fire District that the contribution has been made prior to the final plat approval. (*Effects on Local Services and Public Health and Safety*)

10. The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot prior to final plat. (*Effects on Local Services and Public Health and Safety*)
11. The applicants shall provide evidence that plans for a Collection Box Unit (CBU), including location of the box and specifications, have been approved by the local post office prior to final plat approval. (*Effects on Local Services*)
12. The no-build/alteration zones, for slopes greater than 25%, shall be shown on the face of the final plat, as shown on the preliminary plat, and labeled as "no-build/alteration zone due to steep slopes". (*Effects on Public Health and Safety*)
13. The no-build/alteration zone along Fred Burr Creek, as shown on the preliminary plat, shall be shown on the final plat, and labeled as "no-build/alteration zone due to Fred Burr Creek". (*Effects on the Natural Environment and Public Health and Safety*)
14. The Temporary Building Restriction Zone as depicted on the preliminary plat shall be shown on the final plat. In addition to delineating the boundaries of the building restriction zone, the following language shall be included on the face of the final plat: "This is a temporary building restriction zone associated with the Clear Weather Breach Zone of the Fred Burr Dam. This zone may be removed or its extent revised based on new base data collected on the Fred Burr Dam Inundation area or in the event that the status of the dam is increased to "high hazard" as a result of off-site development within the Clear Weather Breach Zone. No permanent dwelling structures shall be allowed in this zone while it is in place." (*Effects on Public Health and Safety*)
15. The Homeowners' Association documents shall include language stating that the association is responsible for the maintenance of the common area and any irrigation facilities held in common. (*Effects on Local Services*)
16. The applicant shall file a master irrigation plan with the final plat that meets the requirements of Section 3-2-15 of the Ravalli County Subdivision Regulations and conforms to the irrigation plan presented in the preliminary plat application. An irrigation delivery system that conforms to the master irrigation plan shall be installed prior to final plat approval. (*Effects on Agricultural Water User Facilities*)
17. All existing and proposed irrigation easements shall be shown on the final plat as they were shown on the preliminary plat. (*Effects on Agricultural Water User Facilities*)
18. The applicant shall construct the roundabouts, as proposed on the preliminary plat, prior to final plat approval. The roundabouts shall be approved by the Ravalli County Road Department as part of the final road review. (Variance)
19. The Road Maintenance Agreement shall include a statement that if Burr Creek Ranch Road and Moose Hollow Road are not maintained year-round, the Victor Rural Fire Department may not travel on the road in certain conditions. (Variance)
20. The elevation of Burr Creek Ranch Road will be raised by 1.0 to 1.5 feet from Station 3+00 to 11+00 in the area that is within the Clear Weather Breach Zone along Lot 1. The Ravalli County Road and Bridge Department shall approve the final road plans and post construction with this modification. (Variance)

21. The emergency access from Burr Creek Ranch Road to Moose Hollow Road shall be improved to have a 20-foot wide gravel travel surface, as approved by the Road and Bridge Department. (Variance)
22. The applicant shall remove vegetation along Moose Hollow Road from the subject property to Red Crow Road to provide for 12 feet of vertical clearance prior to final plat approval. (Variance)
23. The Burr Creek Ranch Homeowners' Association shall enter into a written agreement with a majority (greater than 50%) of the residents of Moose Hollow Road which shall expressly require the Burr Creek Ranch HOA to remove snow and sand Moose Hollow Road on an "as needed" basis during the winter to ensure that emergency vehicles can access Moose Hollow Road. The Burr Creek Ranch HOA shall, under the provisions of the Road Maintenance Agreement, engage the services of a contractor to plow and sand Burr Creek Ranch Road, the emergency access, and Moose Hollow from the emergency access to the top of the grade, as shown in Exhibit A of the Road Maintenance Agreement. The Burr Creek Ranch HOA shall post a bond that covers the snow plowing and sanding of Moose Hollow Road. If for any reason the Burr Creek Ranch HOA should fail to plow and sand Moose Hollow Road, residents of Moose Hollow Road will have a legally enforceable right to order the plowing and sanding and be reimbursed by the bonding company. (Variance)
24. The applicant shall install a locked breakaway gate that can be knocked down by emergency vehicles or residents of Burr Creek Ranch on the emergency access at the intersection with Moose Hollow Road prior to final plat approval. (Variance)
25. In order to protect bobolink habitat, 0.5-acre building envelopes shall be shown on Lots 1 through 4 on the final plat. The building envelopes shall be located adjacent to the internal subdivision road and along the eastern boundary of each lot. (*Effects on Wildlife and Wildlife Habitat*)

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 150.49 acres will result in 14 lots. The lots range in size from 5.06 to 19.87 acres. The property is located approximately 3 miles south of the community of Victor off Meridian Road.
2. According to the application, portions of the property have been used for agriculture in the past.
3. According to Appendix K of the Ravalli County Subdivision Regulations, there are no Prime Farmland Soils or Farmland of Statewide Importance associated with this property.
4. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)

Conclusions of Law:

1. With the recommended mitigating conditions, impacts of this subdivision on surrounding agricultural practices will be minimized.
2. The creation of these lots will not take Prime Farmland or Farmland of Statewide Importance out of production.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. According to the application, the property has water rights. A portion of the water rights will be transferred to the Burr Creek Ranch Homeowners' Association for purposes of irrigating the Common Area. The remaining water rights will be split between Lots 1 through 5.
2. A preliminary Irrigation Agreement and Master Irrigation Plan are included in the application. To mitigate impacts on agricultural water user facilities, the subdivider shall show all existing and proposed irrigation easements centered on the three irrigation ditches, as shown on the preliminary plat, on the final plat. To further mitigate impacts on agricultural water user facilities, a Master Irrigation Plan meeting the requirements of Section 3-2-15 of the RCSR, which would include a plat-sized plan and irrigation agreement, shall be submitted prior to final plat approval. (Conditions 16 and 17)
3. To notify future property owners and mitigate potential impacts on agricultural water user facilities, a notification of the irrigation ditches and easements shall be filed with the final plat. (Condition 1)

Conclusion of Law:

With the mitigating conditions, there will be no impacts associated with agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. Meridian Road and Sheafman Creek Road are County-maintained roads providing access to the subdivision. The applicant is required to pay the pro-rata share of the cost to bring Meridian and Sheafman Creek Roads leading back to U.S. Highway 93 to County standards, per Section 5-4-5(d) of the RCSR.

2. The internal road is proposed to meet County standards. An engineer's certification that the road meets County standards is a requirement of the final plat approval. The Road and Bridge Department has approved the preliminary road plans. (Exhibit A-1)
3. To ensure adequate access to the subdivision, the applicant shall submit an approved approach permit, issued by the Ravalli County Road and Bridge Department, for the Burr Creek Trail access prior to final plat, as required per Section 3-3-4(c)(17) of the RCSR.
4. To mitigate impacts on local services and ensure public access, the easement for the internal road shall be labeled as a public road and utility easement on the final plat. (Condition 4)
5. A Road Maintenance Agreement, in accordance with Section 3-2-18 of the RCSR, for the internal road has been included in the application packet. To mitigate impacts on local services and public health and safety, a notification of the road maintenance agreement shall be included in the Notifications Document filed with the final plat. (Condition 1)
6. Per Sections 3-3-4(c)(14) and (21) of the RCSR, final road plans and grading and drainage plans approved by the Road and Bridge Department, road certifications certified by a professional engineer for the internal road and County-maintained roads leading to the subdivision, and a copy of the General Discharge Permit for Stormwater associated with construction activity from MDEQ (if applicable) will be required prior to final plat approval. All infrastructure improvements are required to be completed prior to final plat approval.
7. The applicant is required to submit a road name petition approved by the County GIS department for the internal subdivision road as a requirement of final plat approval. A stop sign and road name sign shall be installed at the intersection of Burr Creek Trail and Meridian Road prior to final plat approval. (Condition 5)
8. To mitigate impacts on local services, the subdivider shall place a "no ingress/egress" restriction along the Meridian Road frontage of the subdivision. The "no ingress/egress" zone shall be labeled on the final plat. A notification of limitation of access onto a state road shall also be included in the Notifications Document. (Conditions 1 and 6)
9. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)
10. Individual wells and wastewater treatment systems are proposed for lots within this subdivision. (Effects on Natural Environment)
11. Bitterroot Disposal provides service to this site.
12. The Victor School District was notified of the subdivision proposal. To date there has been no correspondence received from the Victor School District. The developer is proposing to make a voluntary contribution to the school district in the amount of \$250 per lot. To mitigate impacts on local services, the developer shall provide evidence that a per lot contribution has been made to the School District prior to the final plat approval. (Condition 7)
13. The subdivision is located within the Victor Rural Fire District. The Fire Department expressed concerns regarding the internal road. These concerns have been addressed by the developer through mitigating measures that have been accepted by the Fire Department. (Variance).
14. To further mitigate any impacts on local services as related to the Victor Rural Fire Department, the applicant shall meet the water supply requirements for the Victor Rural Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage for each phase prior to the final plat approval of each phase. Alternatively, the applicants shall contribute \$500 per lot for each phase, as approved by the Fire District, and provide a letter or receipt from the Victor Rural Fire District that the contribution has been made prior to the final plat approval. (Condition 9)
15. To mitigate the impacts of this subdivision on local services and public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2 and 10)

16. The Ravalli County Sheriff's Office provides law enforcement services to this area. No comments have been received by the Sheriff's Office. The current level of service is not known, but it is generally understood that the Sheriff's Office is operating at an inadequate level of service. The applicant is not proposing any mitigation. (Condition 8) *(Staff Note: Since the current or planned level of service for the Sheriff's Office is unknown and the applicant has not proposed any mitigation, Staff recommends the BCC negotiate an amount per lot with the applicants and include the appropriate finding(s) supporting the amount in their decision.)*
17. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. No comments have been received.
18. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-2). (Condition 11)
19. Homeowners' Association documents are required when common property and facilities are held in common. Proposed Homeowners' Association documents meeting the regulations in Section 3-2-19 of the Ravalli County Subdivision Regulations are included in the application packet and they include several provisions regarding the common area. The Homeowners' Association is required to be formed and the Homeowners' Association documents filed with the final plat. To mitigate impacts on local services, the provisions required to be included in the Homeowners' Association documents shall not be amended without governing body approval and shall include language stating that the association is responsible for the maintenance of the common area and any irrigation facilities held in common. (Condition 15)

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

1. Fred Burr Creek traverses the subject property. A notification regarding Fred Burr Creek shall be included in the Notifications Document. (Condition 1)
2. To mitigate impacts on the natural environment and protect riparian areas associated with the Creek, a no-build/alteration zone shall be shown on the final plat, as shown on the preliminary plat. Riparian area covenants recommended by FWP for areas along creeks shall apply to the no-build/alteration zone. (Conditions 2 and 13)
3. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur (Exhibit A-3). Section 3-3-4(13) of the RCSR requires the submittal of the Certificate of Subdivision Plat Approval from the Montana Department of Environmental Quality prior to final plat approval.
4. A noxious weed and vegetation control plan is required to be filed with the final plat of each phase for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)
5. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)

6. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts from this subdivision on the natural environment will be minimized.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The property is not located within the FWP-identified big game winter range.
2. A sensitive species report was submitted with the preliminary plat application and indicates that the subject property may provide suitable habitat for the bobolink and both bull and westslope cutthroat trout. In a letter date June 6, 2007, (Application) Mack Long of Montana Fish, Wildlife and Parks states that the proposed no-build/alteration zone along Fred Burr Creek is adequate to protect against the fish species and recommends that to mitigate against any loss of potential bobolink habitat one of the following mitigating measures should be considered:
 - Eliminating the houses on Lots 1 through 4; or
 - On Lots 1 through 4, cluster the homes along the eastern boundaries of the lots and close to the road in conjunction with limiting the amount of the developable area of each lot to just adjacent to the home (no specific amount was recommended). (Condition 24)
3. In a letter dated June 8, 2007 (Application), PCI has offered alternative mitigation to protect the bobolink habitat:
 - Limit lawns on Lots 1 through 5 to 0.5 acres immediately adjacent to the dwelling. The balance of the site would be maintained in its natural state with the natural vegetation remaining.
 - Limit burning or any disturbance to the natural vegetation on the lots and the Common Area from May 1 to July 15 of each year (during the mating season of the bobolink).
4. To protect potential bobolink habitat, 0.5-acre building envelopes shall be shown on Lots 1 through 4 on the final plat. The building envelopes shall be located adjacent to the internal subdivision road and along the eastern boundary of each lot. Furthermore, staff has included a provision regarding bobolink habitat within the covenants. (Conditions 2 and 25)
5. To mitigate impacts on wildlife, living with wildlife provisions and restrictions on developing in riparian areas shall be included in the covenants. (Condition 2)

Conclusion of Law:

With the conditions of approval, impacts of the proposed subdivision on wildlife will be mitigated.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2, 9, and 10)
2. A Floodplain Analysis was conducted on Fred Burr Creek and the analysis was approved by the Ravalli County Floodplain Administrator on February 6, 2007 (Application) with the following recommended mitigating conditions to limit the effects of the proposal on the natural environment and public health and safety:
 - A no-build/alteration zone extending horizontally from both sides of the modeled 100-year floodplain to the Clear Weather (CW) Breach inundation area as depicted on the

DNRC's maps. The no-build/alteration zone should also be inclusive of the modeled floodplain. (Conditions 13 and 14)

- The proposed subdivision is located within a FEMA mapped floodplain, and it is strongly recommended that property owners obtain flood insurance. (Condition 1)
 - Based on comments received from the DNRC, it is recommended that all residential structures within the proposed subdivision be elevated so that the lowest floor is located at least two (2) feet above the 100-year base flood elevation
3. In addition to the above recommended mitigating conditions, the Floodplain Administrator expressed concern with the potential future erosion of Fred Burr Creek which may result in the need for bank stabilization.
 4. The preliminary plat shows that Lots 6, 7, 10, 11, and 12 have steep slopes (greater than 25%), which are required to be identified as no build/alteration zones on the final plat. In order to mitigate impacts on the natural environment and public health & safety, notification of the no-build/alteration zones shall be included in the notifications document and the no-build/alteration zones shown on the final plat. (Conditions 1 and 12)
 5. To mitigate impacts on public health and safety, the applicant shall install a road name and stop sign at the intersections of the internal road and Meridian Road. (Condition 5)
 6. The subdivider shall place a "no ingress/egress" restriction along the Meridian Road frontage of the subdivision. The "no ingress/egress" zone shall be labeled on the final plat. A notification of limitation of access onto a County road shall be included in the Notifications Document. (Conditions 1 and 6)
 7. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils shall be included in the Notifications Document filed with the final plat of the first phase. (Condition 1)
 8. Lots will be served by individual wells and wastewater treatment systems. (Natural Environment)
 9. To mitigate the general impacts of this subdivision on public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2 and 10)
 10. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
 11. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. (Condition 2)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements, or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. The application states the property is not located within a voluntary zoning district.
2. The minimum lot size within this 14-lot subdivision is 5.06 acres. The proposal is not effected by interim zoning.
3. There are existing covenants on the property (Application). The existing covenants limit the future subdivision of the subject property to a total of 14 lots.

Conclusion of Law:

Zoning does not apply to this property and the proposal is in conformance with existing covenants.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements are located along and within the easement/right-of-way of Meridian Road. Utility easements are proposed to be extended along the internal subdivision road.

2. According to the application, the proposed subdivision will be served by Northwestern Energy, Ravalli Electric Co-op and Qwest Telephone.
3. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

Physical and legal access for this subdivision is proposed via Meridian Road (County-maintained). The lots will access off an internal road. (Local Services)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.

VARIANCE REPORT

VARIANCE REQUEST #1

The applicant has requested a variance from Section 5-4-4(h), Table B-1 of the RCSR to allow the internal cul-de-sac road to exceed the maximum length of 1,400 feet. Chapter 2 of the RCSR defines cul-de-sac road as "a street having only one outlet for vehicular traffic and terminating in a vehicle turn-around area. The proposed internal cul-de-sac road (Burr Creek Ranch Road) is approximately 5,350 feet or over one mile in length.

Compliance with Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

Cul-de-sac Road Length

1. Primary access to all the lots is proposed via Sheafman Creek Road, Meridian Road, and the internal cul-de-sac road, Burr Creek Ranch Road, which is proposed to meet County standards except for the maximum allowed cul-de-sac length. The road exceeds a mile in length.

Emergency Access – Moose Hollow Road

2. The applicant is proposing an emergency access near the end of Burr Creek Ranch Road to connect to Moose Hollow Road. The proposed emergency access will have a 20-foot wide gravel all-weather travel surface and a locked breakaway gate. Moose Hollow Road is a privately-maintained, gravel road within a public easement. Portions of the road are steep (approximately 13% according to the variance application), narrow, and do not provide sufficient vertical clearance for fire trucks due to vegetation.
3. At the public hearing before the Planning Board on July 18, 2007, Jan Varner, a resident of Moose Hollow Road, stated that Moose Hollow Road is in poor condition because of a steep hill and sharp turn, which make it inaccessible at certain times during the winter (Exhibit C: Minutes from July 18, 2007 Planning Board Meeting).

Fred Burr Creek Dam Inundation Zone

4. The subject property is located within the Fred Burr Creek Dam Inundation Zone. Approximately half of the proposed cul-de-sac road is located within the Clear Weather (CW) Breach inundation zone. In a letter dated December 22, 2006 (Application), Larry Schock of the DNRC states that "the CW breach [inundation zone] represents a sudden failure of the dam when the reservoir level is at the spillway crest." The letter continues to state that the data used to identify the inundation zones "are only a visual approximation of the breach analysis and the actual inundation areas are identified by where the breach analysis elevations intersect the natural ground."

Public Health and Safety Concerns

5. The combination of a cul-de-sac road exceeding one mile, the poor condition of Moose Hollow Road, and the location of the Fred Burr Creek/dam inundation zone has the potential to make it difficult for future lot owners and emergency services to exit or access the property in emergency situations. Planning staff met with the developer, the developer's representatives (PCI and Bill VanCanagan), the Victor Rural Fire Department, and the Ravalli County Floodplain Administrator to discuss these major issues. Correspondence and meetings are outlined below.

Outline of Meetings and Correspondence

6. In a letter dated October, 17, 2006 (Application), Tommy Dobberstein, Chief of the Victor Volunteer Rural Fire Department (VVRFD) stated the following concerns regarding the cul-de-sac road design and water supply:
 - The proposed road (Burr Creek Ranch Road) does not meet the Fire Districts restrictions on percentage of slope allowed on an access road, the portion of the proposed roadway that exceeds our 6% standard cannot be accepted because of roadway design in this area.
 - We will not accept any deviation from a through road as outlined in county subdivision standards.
 - Due to the distance of the development from our established water fill sites the developer will need to provide ample water supply as established by NFPA 1142. If the proposed houses exceed 3600 square feet then additional supplies of water will need to be provided. Initial proposals for this subdivision had included a high flow well located in the initial common area close to Meridian Road. The Board of Directors determined that a well that produced a flow of at least 400 gallons per minute would be adequate to supply the subdivision.
7. In response to the above letter, Professional Consultants, Inc. (PCI) met with Chief Dobberstein to discuss the Fire Department's concerns on March 16, 2007. In a letter dated April 10, 2007 (Application), PCI outlined the following mitigation measures that were discussed at the March 16th meeting:
 - The road proposed for use in this development has been constructed as an access driveway to the new home recently built by the owner on the property. The road, as constructed, meets County standards for grade and alignment, and will be further improved to a paved County standard roadway if the project receives preliminary plat approval. To mitigate your concerns with grades over 6%, we propose to construct driveways into the uphill Lots 13 & 14 as shown on the attached sketch as part of the required road improvements. The driveways could be used as emergency run-outs should road and truck conditions require.
 - We are not requesting any deviation from County subdivision regulations for a through road. We have connected to the privately maintain[ed] Moose Hollow [Road] with an emergency access only connector. This access [will be] gated and will be constructed as an all-weather road and may be used by emergency vehicles or by local traffic in any emergency situation.
 - We understand that the WRFD has acquired, or will be acquiring, additional water supply points near this project and that the immediate need for additional supplies has lessened. The initial discussion with prior developers on this project were unknown to us. The current developer proposes to provide \$500 per lot contribution to the WRFD capital improvements fund at the time of filing the final plat for this Project.
8. The VVRFD submitted a letter on July 18, 2007 stating that the mitigating measures proposed by PCI were acceptable. (Exhibit A-4)
9. The combination of a cul-de-sac road exceeding one mile, the poor condition of Moose Hollow Road, and the location of the Fred Burr Creek/dam inundation zone continued to give planning staff concerns about the public health and safety implications of this variance request. These concerns were discussed with PCI in an email dated July 24, 2007 (Exhibit A-5).
10. During an on-site meeting between PCI (Tom Hanson and Bill Burnett), the developer (Paul Shirley), Planning Staff (Renee Van Hoven and Tristan Riddell), and Earl Gray of the VVRFD on July 25, 2007, Earl Gray stated that the VVRFD would potentially not respond to emergency calls for lots located at the end of Burr Creek Ranch Road during winter due to the road grade exceeding 6% and the potential for dangerous, icy conditions. He was concerned that future owners of the Lots 13 and 14 would park RVs or other obstructions in the run-out driveways

the applicant is proposing for fire trucks. He said the VVRFD would not compromise the safety of fire fighters if Burr Creek Ranch Road was icy. Earl Gray stated that currently the VVRFD has informed residents located off Moose Hollow Road that during winter there is no guarantee that the VVRFD can or will provide emergency services. This is because portions of Moose Hollow Road are narrow, have grades over 6%, and do not provide 12-foot vertical clearance. There is also a sharp curve below a grade of approximately 13% that could be dangerous in certain conditions.

11. Subsequent to the above discussions, Planning Staff met with PCI on August 24, 2007 to discuss the developer's proposal for additional mitigating measures in regards to public health and safety concerns. PCI and the developer have proposed the following mitigating measures (Variance Application – Revised August 29, 2007):
 - Roundabouts on Burr Creek Ranch Road
 - Secondary access through Moose Hollow Road
 - Winter maintenance on Moose Hollow Road
 - Improvements of Moose Hollow Road for emergency vehicles
 - Improvements to Burr Creek Ranch Road and reconfiguration of lot boundaries for Lots 2 and 3 to mitigate safety concerns relative to the Clear Weather Breach Zone of Fred Burr Dam.
 - The Burr Creek Ranch Homeowners' Association will enter into a written agreement with Moose Hollow property owners that will require the Burr Creek Ranch HOA to engage the services of a contractor to plow the emergency access as well as the portion of Moose Hollow Road as depicted in Exhibit A of the proposed road maintenance agreement (Updated Application). Additionally the Burr Creek Ranch HOA will post a bond that covers the costs associated with snow plowing and sanding of Moose Hollow Road. (Condition 23)
 - To further improve conditions along Moose Hollow Road for secondary access by emergency vehicles, the Burr Creek Ranch developer will contract for the removal of overhanging branches on trees that line Moose Hollow Road. Trees will be trimmed to a height of 12 feet in order to meet the request of the Victor Volunteer Fire Department. (Condition 22)
12. The developer submitted an updated preliminary plat showing the reconfiguration of Lots 3 and 4 to provide all lots within the subdivision with access outside of the CW breach inundation zone and an updated variance application outlining additional mitigation on August 29, 2007.
13. To mitigate impacts on public health and safety, the following conditions shall be met:
 - The applicant shall construct the roundabouts, as proposed on the preliminary plat, prior to final plat approval. The roundabouts shall be approved by the Ravalli County Road Department as part of the final road review. (Condition 18)
 - The Road Maintenance Agreement and the Notifications Document shall include a statement that if Burr Creek Ranch Road and Moose Hollow Road are not maintained year-round, in certain conditions, the Victor Rural Fire Department may not travel on the road. (Conditions 1 and 19)
 - The elevation of Burr Creek Ranch Road will be raised by 1.0 to 1.5 feet from Station 3+00 to 11+00 in the area that is within the Clear Weather Breach Zone along Lot 1. The Ravalli County Road and Bridge Department shall approve the final road plans and post construction with this modification. (Condition 20) *(Staff Note: David Ohnstad stated that this minor modification can be addressed in the review of the final road plans.)*
 - The emergency access from Burr Creek Ranch Road to Moose Hollow Road shall be improved to have a 20-foot wide gravel travel surface, as approved by the Road and Bridge Department. (Condition 21)

- The applicant shall remove vegetation along Moose Hollow Road from the subject property to Red Crow Road to provide for 12 feet of vertical clearance prior to final plat approval. (Condition 22)
 - The Burr Creek Ranch Homeowners' Association shall enter into a written agreement with a majority (greater than 50%) of the residents of Moose Hollow Road which shall expressly require the Burr Creek Ranch HOA to remove snow and sand Moose Hollow Road on an "as needed" basis during the winter to ensure that emergency vehicles can access Moose Hollow Road. The Burr Creek Ranch HOA shall, under the provisions of the Road Maintenance Agreement, engage the services of a contractor to plow and sand Burr Creek Ranch Road, the emergency access, and Moose Hollow from the emergency access to the top of the grade, as shown in Exhibit A of the Road Maintenance Agreement. The Burr Creek Ranch HOA shall post a bond that covers the snow plowing and sanding of Moose Hollow Road. If for any reason the Burr Creek Ranch HOA should fail to plow and sand Moose Hollow Road, residents of Moose Hollow Road will have a legally enforceable right to order the plowing and sanding and be reimbursed by the bonding company. (Condition 23)
14. To mitigate impacts on adjoining landowners, the applicant shall install a locked breakaway gate that can be knocked down by emergency vehicles or residents of Burr Creek Ranch on the emergency access at the intersection with Moose Hollow Road. (Condition 24)

Conclusion of Law:

The mitigating conditions will ensure that the granting of the variance will not be substantially detrimental to public health and safety or injurious to adjoining landowners.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact:

1. The application states that due to the configuration and geography of the property the long cul-de-sac is the most appropriate form of access for the property.
2. There are many other properties in Ravalli County that are long and linear without multiple access routes that are readily available.
3. The application states that the other alternatives, a loop road providing for two accesses off Meridian Road or a through-road connecting to Moose Hollow, would have negative impacts to the environment and surrounding neighbors. The application states that the long cul-de-sac road is the most effective, environmentally sound and socially acceptable solution.
4. While the alternatives listed in the application do not appear to be good solutions based on the potential for negative impacts, they are not the only alternatives. There are no unique conditions preventing the applicant from building a road that is 1,400 feet or less in length.

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Findings of Fact:

1. The application states that lot configuration and geography prevents the applicant from meeting the RCSR.
2. In order to keep the current lot configuration, the topography of the parcel makes it challenging to design a County standard internal road to access the western lots. There are no physical conditions that require the current lot configuration and road design.

Conclusion of Law:

Physical conditions, such as topography or parcel shape, do not prevent the applicant from meeting the strict letter of the regulations.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038. The zoning regulations are not relevant to the variance request.
2. The provisions in the Growth Policy do not address public health and safety issues.

Conclusions of Law:

1. The subdivision proposal complies with applicable zoning regulations, but these regulations are not relevant to the variance request.
2. There are no provisions in the Growth Policy that are related to this variance request.

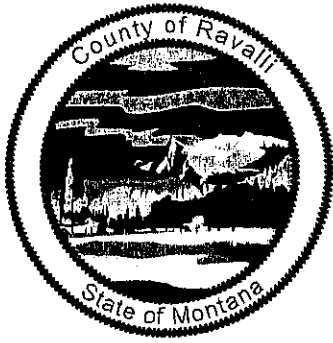
E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. The application states that Burr Creek Ranch Road will be privately-maintained and will not create an increase in public costs.
2. Public costs could be affected if emergency services have difficulty accessing the subdivision. With the improvements and continued maintenance of Burr Creek Ranch Road and Moose Hollow Road, emergency services will have access to the subdivision.

Conclusion of Law:

With the mitigating conditions, granting the variance does not appear to have the potential to substantially increase public costs.



ROAD AND BRIDGE DEPARTMENT

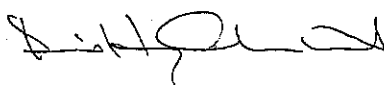
244 FAIRGROUNDS ROAD

HAMILTON, MONTANA 59840

TELE: 406.363.2733 · FAX: 406.363.6701

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Ravalli County Planning Dept.

EXHIBIT A-1

DATE 05 APRIL 2007
TO RAVALLI COUNTY PLANNING DEPARTMENT
FROM DAVID H. OHNSTAD, COUNTY ROAD SUPERVISOR 
SUBJECT BURR CREEK RANCH PRELIMINARY DESIGN REVIEW

Attached please find analysis and comment from Ravalli County's consulting engineers relative to the preliminary roadway and drainage design submittal for the proposed Burr Creek Ranch subdivision project. The Road & Bridge Department will approve this preliminary design, with the expectation that those issues identified in the consulting engineer's report of 21 December 2006 and the Preliminary Review Completion report of 28 March 2007 will be addressed completely and appropriately through the final design process.

DATE: March 28, 2007

TO: David Ohnstad, Ravalli County Road & Bridge Department

CC: Matthew S. Smith, P.E., Professional Consultants, Inc.

FROM: Jeremy W. Keene, P.E.

RE: Burr Creek Ranch Preliminary Review Completion

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for preliminary review. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Office to be included with the full subdivision application.

The following comments will need to be addressed with the final plan submittal.

1. It appears that Basin D flows to the east. Please clarify on page 2 of the Storm Water Drainage Report.
2. Culvert sizing calcs were not provided.
3. Ravalli County recommended approval of the floodplain analysis for Fred Burr Cr with conditions for mitigation. We did not review this analysis, and will defer to the Ravalli County Floodplain Administrator and DNRC's review. The conditions for mitigation, specifically the required floodplain setback and building elevations, should be shown on the final plans.

Preliminary comments were sent to the design engineer in accordance with Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. We are now sending this letter to your office in accordance with Step 7 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated 12/21/06.
- 2) Preliminary comment response from Professional Consultants, Inc. (PCI), dated 3/12/07, with attachments.

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



ENGINEERING
SURVEYING
PLANNING

3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

Phone: (406)728-4611
Fax: (406)728-2476
www.wgmgroup.com

DATE: December 21, 2006
TO: Becky Weaver, PCI
CC: David Ohnstad, Ravalli County Road & Bridge Department
FROM: Jeremy W. Keene, P.E.
RE: Burr Creek Ranch Preliminary Review Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has completed a review of the preliminary grading and drainage plans and reports submitted by your office. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

Roadways

1. Please check the Maximum Design Grade on the Roadway Design Schedule. This is inconsistent with the plans, which indicate a maximum proposed grade of 9.95%.
2. Please check the Superelevation rate for the 150' radius curve. This should be 4.8%, per AASHTO p. 151.
3. What is the design vehicle for the traffic circles? Will these accommodate the occasional large truck (i.e. moving truck)? See AASHTO p. 395. How will the center island be marked for visibility? Is signing proposed?
4. Burr Ranch Road exceeds the 1400' maximum cul-de-sac length. An emergency access road connecting to Moose Hollow is proposed, which we believe meets the intent of the subdivision regs.
5. Please check the side slopes on the road sections (Sheet 7). These should be 4:1 per the Subdivision Regs, Figure A-1.

6. Does Meridian Road meet the current county road standards? Is a pro-rata share proposed?

Storm Drainage

1. Where will the infiltration trenches will be placed? Are these connected to the sumps?
2. Please provide calculations for the 100-year storm drainage and culvert sizing.
3. It is our understanding that the "Approximate Dam Inundation and Fred Burr Reservoir" area shown on the Preliminary Plat is being reviewed by the DNRC. This area was not included in our review. We will defer to the DNRC's review on this item. Please provide copies of correspondence.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.

Missoula Office
3115 Russell Street • PO Box 1750 • Missoula, Montana 59806
406-728-1880 • fax 406-728-0276

Hamilton Office
1713 N. First Street • Hamilton, Montana 59840
406-363-1201 • fax 406-363-1215

March 12, 2007

Jeremy Keene
WGM Group
P.O. Box 16027
Missoula, MT 59808

RE: Burr Creek Ranch

Dear Jeremy:

We have changed the preliminary plat in order to address issues with the dam inundation area. The changes have extended the road approximately 500 feet and eliminate Fawn Trail. We have updated the grading and drainage report in order to account for some changes to the drainage basins.

Also, in response to the memorandum dated December 21, 2006, from WGM Group, I shall address each of your comments in the same order that you made them.

1. The Roadway Design Schedule has been revised to show the maximum design grade of 9.95%.
 2. We have modified the plans to show a superelevation rate of 4.8% at the 150 foot radius curve.
 3. The design vehicle used for the traffic circles was a single-unit truck. We have ensured that a W65 vehicle will be able to travel through the traffic circle without running off the road. We have assumed that a truck would not be turning completely around the traffic circle. Rather a large truck would be pulling into a residence before trying to go down the hill. The fire truck will be able to turn around the circle.
- The center of the traffic circle will be mounded and landscaped. We will provide a signage plan for the traffic circles during final design road.
4. No comment required.

5. The side slopes have been modified to a 4:1 slope.

6. Meridian Road does not meet the current county road standards. Pro-rata share will

be negotiated with the county prior to final plat approval.

Storm Drainage-

1. We have revised the grading and drainage plan (copy attached). Sumps are no longer required. In addition, there will two retention basins located at the edge of the property.
2. In the grading and drainage report, we have provided the 100 year post development storm runoff. In addition we have provided the calculations for the culvert sizing in the grading and drainage report. These are based on the 10 year storm for each drainage basin.
3. Copies of the correspondence for the "Dam Innundation Area" have been included.

If you have any questions please feel free to call.

Sincerely,
PROFESSIONAL CONSULTANTS, INC.


Matthew S. Smith, P.E.

CC: Dave Ohnstad, Ravalli County Road and Bridge Department
Ravalli County Planning Department
File

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PCI
WGM GROUP, INC.

RAVALLI COUNTY ROAD & BRIDGE DEPARTMENT

SCHEDULE FOR ROADWAY DESIGN SUBMITTAL

DATE <u>March 9, 2007</u>	PROJECT DESIGN BY <u>Professional Consultants Inc.</u>	
PROJECT NAME <u>Burr Creek Ranch</u>		PRELIM DESIGN <u>XX</u>
ROADWAY NAME <u>Burr Creek Ranch Road</u>		FINAL DESIGN
STATION (OR LOCATION) FROM <u>0+00</u> TO <u>± 53+45</u>		
PROPOSED DESIGN		REFERENCE
DESIGN ADT <u>140</u> % TRUCKS <u>0.5%</u>		ITE Trip Generation, 6 th Ed., 210 & 710
DESIGN SPEED <u>25mph</u> POSTED SPEED <u>25mph</u>		Ch. 5, "Design Speed, PG 390 AASHTO Green Book
FUNCTIONAL CLASSIFICATION <u>Rural Local Road</u>		Chapter 1, PG 8-12 AASHTO Green Book
TERRAIN - FLAT <u> </u> ROLLING <u>X</u> MOUNTAINOUS <u> </u>		CH 5, Exhibit 5-1, PG 381 AASHTO Green Book
GEOMETRIC - ALIGNMENT		
HORIZONTAL CURVATURE - MINIMUM RADIUS <u>150'</u>		CH 3, Exhibit 3-16, PG 151, AASHTO Green Book
MAXIMUM DESIGN GRADE <u>9.95%</u>		CH 5 Exhibit 5-4, PG 382, AASHTO Green Book
MINIMUM STOPPING SIGHT DISTANCE <u>210 ft.</u>		CH 5, Exhibit 5-2, PG 381 AASHTO Green Book
VERTICAL CURVATURE		
CREST K VALUE <u>33</u> / SAG K VALUE <u>36</u>		Ch. 5, Exhibit 5-2, PG 381 AASHTO Green Book
SUPER-ELEVATION (%) <u>4.8%</u>		CH 3, Exhibit 3-16, PG 151, AASHTO Green Book
INTERSECTION DESIGN <u>Three Leg, Stop control minor approach</u>		CH 9, "Intersections", PG 565 AASHTO Green Book
INTERSECTION CASE TYPE <u>Case B-Stop Control on minor approach</u>		CH 9, "Intersections", PG 654 - 663 AASHTO Green Book
SIGHT TRIANGLE DISTANCE - A) <u>left 500+</u> B) <u>right 500+</u>		Ch 9, Intersections, PG 651- 658 AASHTO Green Book
EASEMENT WIDTH <u>60 ft.</u>		CH. 5, "Right of Way, PG 387 AASHTO Green Book
ROADWAY WIDTH - PAVEMENT <u>18ft.</u> SHOULDER <u>2ft. each</u>		CH 5, Exhibit 5-5, PG 384 AASHTO Green Book

PARKING PROVIDED / ALLOWED - YES ___ NO XX	CH 5, "Parking Lanes", PG 393 AASHTO Green Book
BICYCLE / PEDESTRIAN FACILITIES - YES ___ NO XX	CH 4, "Sidewalks" Pg 357-358 AASHTO Green Book
PROPOSED DESIGN	REFERENCE
STRUCTURAL - GEOTECHNICAL	
EXISTING SUB-GRADE SOIL TYPE	To be completed at Final Design
EQUIVILENT S/A LOAD _____	To be completed at Final Design
RESILIENT VALUE _____	To be completed at Final Design
SUB-BASE COURSE - TYPE DEPTH	To be completed at Final Design
BASE COURSE - TYPE ___ DEPTH <u>4"</u>	To be completed at Final Design
SURFACE TYPE - ACP <u>2"</u> 'B' BST ___ OTHER _____	To be completed at Final Design
SURFACE TYPE - DESIGN _____ DEPTH _____	To be completed at Final Design
STRUCTURAL NUMBER _____	To be completed at Final Design
NOTES- All page and table numbers reference the "Green Book"- A Policy on Geometric Design of Higways and Streets 2004	

INSTRUCTIONS

Complete all applicable sections; identify the specific source reference for the design (AASHTO "Green Book", AASHTO Low Volume, AASHTO Pavement Design, MUTCD, MPWSS) by section number. Identify any design exceptions and attach appropriate documentation. Attach any geotechnical, structural design and hydrology analysis.

Grading and drainage design plans are also required, which may be reviewed by the county's consulting engineer at the request of the County Planning Department. If included in this review process, such design plans as prepared for the Montana Department of Environmental Quality, or other regulatory agency, shall be submitted at the time of final design review. The design of any roadway structures (bridges) that are proposed shall also be submitted in appropriate format for review.

Attach any information that may be required to support the design proposal. The county's engineer will review the submittal for compliance to adopted standards but will not review for accuracy of calculations or engineering judgment. In submitting a proposal, the project designer shall certify as to the accuracy of the proposed design.

INCOMPLETE SUBMITTALS WILL NOT BE PROCESSED

**STORM WATER DRAINAGE REPORT
BURR CREEK RANCH SUBDIVISION
SECTION 24, T7N, R21W
RAVALLI COUNTY**

PREPARED 8/25/2006
Revised 03/12/2007

GENERAL INFORMATION

Burr Creek Ranch Subdivision is located west of Meridian Road, south of Victor, in Ravalli County. Meridian Road is an existing county maintained gravel road that bounds the eastern edge of the property. Burr Creek Ranch is comprised of fourteen (14) lots, ranging in size from 5.1 to 19.9. The parcel is surrounded by single-family residential developments to the west, north and south. Fred Burr Creek runs through the property.

Each lot will front Burr Ranch Road. Check dams will be used to slow water flowing along roadside ditches. Water and sewer service will consist of individual on-site water and sewer systems.

Owner/Developer:

Paul Shirley
Burr Creek Ranch, LLC
P.O. Box 421
Darby, MT. 59829

Engineer:

Professional Consultants, Inc.
P.O. Box 1750
Missoula, MT 59806

Subdivision:

Burr Creek Ranch
14 Single- Family

DRAINAGE BASIN CHARACTERISTICS

The study area of the storm water report was limited to the area bound by the proposed subdivision. The entire subdivision consists of +/- 150 acres. The property has several topographic features that divide the property into several drainage basins. Currently, there is an 18 foot wide gravel driveway that goes through the property. This driveway catches overland storm flow along its ditches and causes water to be concentrated in low areas. In addition to the existing driveway, a Creek and two irrigation ditches divide the property into additional drainage basins. From our analysis, we have defined 5 drainage basins across the property. We have labeled these Basins A through E.

Basin A lies northeast of Fred Burr Creek, in the northeast corner of the property. The Basin is bounded on the south by Drainage Basin B and the property lines bound the north and east side. This area generally will flow stormwater to the east, onto adjacent property. Basin A consists of approximately 13.1 acres and 3 home sites.

Basin B is bounded on the north by Basin A, on the east by Meridian Road, on the south by Fred Burr Creek and on the east by the property line. Stormwater from this basin generally flows from the northwest toward the southeast of the property. Burr Ranch road travels through much of the center of this drainage basin. Basin B contains approximately 34.4 acres, and 1 home site.

Basin C is located west of Fred Burr Creek and south of Burr Ranch Road. The basin is bounded on the south by the property boundary, on the north by Burr Ranch Road, on the west by a ridgeline that forms the boundary of drainage Basin E and on the east by Fred Burr Creek. Most of the stormwater from this area will flow overland from west to east. Most of this overland flow will be captured road ditch along the road. Basin C will contains approximately 35.3 acres, 5 home sites and approximately 1500 lineal feet of roadway.

Basin D is the portion of the parcel north of Burr Ranch Road and south of Fred Burr Creek. The basin is bounded on the north by the property line, bounded on the east by Fred Burr Creek, on the west by the property line and on the south by Burr Ranch Road. Most of the water from this area flows to the north off of the property and onto adjacent properties. Basin C contains approximately 32.8 acres, 5 home sites and 600 feet of graveled emergency access road.

Basin E is the portion of the property in the southwest corner of the property. This is bounded on the north and east by a ridgeline that forms the boundary for Basin C. On the south and west, the basin is bounded by the property line. Most of the stormwater on this site flows to the south and runs onto adjacent property. This basin contains approximately 14.5 acres and 1 home site.

The USDA Soil Survey for the Bitterroot Valley identifies over seven soil types in the area (see soils information in the Environmental Assessment). The hydrologic group of the soils range from an A to a D. In determining the Coefficient of Runoff for each of the soils, hydrologic group of soil that had the largest area was used.

DESIGN CRITERIA

The storm drainage plan was designed in accordance to the Ravalli County Subdivision Regulations and CIRCULAR DEQ 8. The ten (10) year 24 hour storm event was the design storm utilized in sizing the detention volume. This storm water drainage plan is intended to collect and detain the anticipated increase of storm water from the pre-development state to the post development state for the ten year 24 hour storm event. General site modifications include paving the existing road, drainage facilities, and 14 single-family residences. The runoff will consist of overland sheet flows from the residential lots to concentrated flows along the road ditch line. Storm water will be directed into roadside ditches where available, and in retention ponds in areas where development increases the stormwater runoff. All roadway culverts will be designed to safely pass the 10-year storm event prior to overtopping the roadway. Detailed calculations, tables/figures, and assumptions used to determine peak flows and detention volumes have been included in this report.

DESIGN

The storm drainage plan was prepared in accordance with Circular DEQ 8, and as required by ARM 17-36-310, requiring flows that originate within the subdivision to be detained or retained so that the peak flow from the 10-year storm event after development does not exceed peak flow before development.

Burr Creek Ranch has been evaluated and designed in accordance with DEQ8. Peak flows were calculated from the 10-year, event for pre and post construction using the Rational Method.

Results of the stormwater analysis shows that the post development runoff shows that there are only two drainage basins that require stormwater retention areas. The remainder of the development has a smaller post development runoff than the predevelopment runoff.

STORMWATER RUNOFF CALCULATIONS

Rational Method $Q=CiA$

Assumptions:

House/garage = 6,000 sf
Driveway = 12' x 150' = 1800 sf (paved)
Landscaping = 1 acre

BASIN A

Size=13.1 acres

Average Slope \approx 2%

Coefficient of Runoff, $C=0.30$ (Table 7-9, "Hydrologic Analysis and Design", McCuen, 1998)

Home Sites= 3

Impervious area= 3(6000 sf) + 3 (1800 sf) = 0.5 acres

Lawn Area = 3 (1 acre)= 3 acres

Dominant Soil= D

Pre-Development (Basin A)

Time of Concentration T_c :

Short grass/pasture & lawn

Distance = 1400 feet, Average Slope \approx 2%

Velocity = 1.1 ft/s (Figure 7-1, MDT Drainage Manual, 1991)

$T_c: 1400 \text{ ft} / 1.1 \text{ ft/s} = \underline{1272 \text{ seconds}}$

$\underline{=21 \text{ Min}}$

Storm Intensity= 1.2 in/hr (Figure 7-3, MDT Drainage Manual, 1991)

Runoff(Q)= CiA

$$Q = 0.3(1.2 \text{ in/hr})(13.1 \text{ acres}) = \underline{4.7 \text{ cfs}}$$

Post-Development (Basin A)

Calculate weighted C value

$$C = \frac{0.9(.5 \text{ acres}) + .1 (3 \text{ acres}) + 0.3 (9.6 \text{ acres})}{13.1 \text{ acres}} = \underline{0.27}$$

$$\text{Runoff}(Q) = 0.27(1.2 \text{ in/hr})(13.1 \text{ acres}) = \underline{4.2 \text{ cfs}}$$

$Q_{\text{Post}} < Q_{\text{Pre}}$ No storage required.

Post-Development Storm Runoff (100 year - 1 hour storm)

$$Q = CiA$$

Storm intensity = 1.01 in/hour (Figure 7-3, MDT Drainage Manual, 1991)

$$Q = CiA$$

$$Q = 0.27(1.01 \text{ in/hour})(13.1 \text{ acres}) = \underline{3.57 \text{ cfs}}$$

BASIN B

Size = 34.4 acres

Average Slope \approx 2%

Coefficient of Runoff, $C = 0.12$ (Table 7-9, "Hydrologic Analysis and Design", McCuen, 1998)

Home Sites = 1

Impervious area = 1 (6000 sf) + 1 (1800 sf) = 0.18 acres

Lawn Area = 1 (1 acre) = 1 acres

Dominant Soil = A

Road Length = 3000 L.F. = 1.4 acres

Pre-Development (Basin B)

Time of Concentration T_c :

Short grass/pasture & lawn

Distance = 1300 feet, Average Slope \approx 2%

Velocity = 1.1 ft/s (Figure 7-1, MDT Drainage Manual, 1991)

$$T_c: 1300 / 1.1 \text{ ft/s} = \underline{1181 \text{ seconds}}$$

Roadside Ditch – Burr Ranch Road

Distance = 3000 feet, Average Slope \approx 2%

Velocity = 2.0 ft/s (Figure 7-1, MDT Drainage Manual, 1991)

$$T_t: 3000 / 2.0 \text{ ft/s} = \underline{1500 \text{ seconds}}$$

$$T_c = \underline{2681 \text{ seconds}} = \underline{45 \text{ min}}$$

Storm Intensity = 0.99 in/hr (Figure 7-3, MDT Drainage Manual, 1991)

$$\text{Combined Runoff Coefficient: } C_{\text{pre}} = \frac{0.85(1.4 \text{ acres}) + 0.12(33.0 \text{ acres})}{34.4 \text{ acres}}$$

$$C_{\text{pre}} = 0.15$$

Runoff (Q) = CIA

$$= 0.15(0.99 \text{ in/hr})(34.4 \text{ acres})$$

$$= 5.1 \text{ cfs}$$

Post Development 100 year- 1 hour storm

$$\begin{aligned}\text{Runoff } Q &= CIA \\ &= 0.15(1.01 \text{ in.hr})(34.4 \text{ acres}) \\ &= \underline{5.2 \text{ cfs}}\end{aligned}$$

Post-Development (Basin B)

$$\begin{aligned}\text{Combined Runoff Coefficient}(C) &= \frac{0.9(1.4 + .18 \text{ acres}) + .1(1 \text{ acre}) + .12(32.8 \text{ acres})}{34.4 \text{ acres}} \\ C &= \underline{0.16}\end{aligned}$$

$$\begin{aligned}\text{Runoff } (Q) &= CIA \\ &= 0.16(0.99 \text{ in/hr})(34.4 \text{ acres}) \\ &= \underline{5.4 \text{ cfs}}\end{aligned}$$

$$Q_{\text{Post}} - Q_{\text{Pre}} = \underline{0.3 \text{ cfs}}$$

Calculate stormwater retention volume based on 10 year-1 hour storm

$$\begin{aligned}Q_{\text{Pre}} &= 0.14 (0.72 \text{ in/hr})(34.4 \text{ acres}) \\ &= 3.46 \text{ cfs}\end{aligned}$$

$$\begin{aligned}Q_{\text{Post}} &= 0.16(0.72 \text{ in/hr})(34.4 \text{ acres}) \\ &= 3.9 \text{ cfs}\end{aligned}$$

$$3.9 \text{ cfs} - 3.5 \text{ cfs} = \underline{0.4 \text{ cfs}}$$

retention volume = $0.4(3600) = 1440$ cubic feet of retention.

Post Development 100 year- 1 hour storm

$$\begin{aligned}\text{Runoff } Q &= CIA \\ &= 0.16(1.01 \text{ in.hr})(34.4 \text{ acres}) \\ &= \underline{5.5 \text{ cfs}}\end{aligned}$$

BASIN C

Size=35.3 acres

Average Slope $\approx 6\%$

Coefficient of Runoff, $C=0.20$ (Table 7-9, "Hydrologic Analysis and Design", McCuen, 1998)

Home Sites= 5

Impervious area= $5(6000 \text{ sf}) + 5(1800 \text{ sf}) = 0.90 \text{ acres}$

Lawn Area = $5(1 \text{ acre}) = 5 \text{ acres}$

Dominant Soil= A

Road Length=3200 L.F. = 1.6 acres

Pre-Development (Basin C)

Time of Concentration T_c :

Short grass/pasture & lawn

Distance = 1000 feet, Average Slope $\approx 6\%$

Velocity = 1.8 ft/s (Figure 7-1, MDT Drainage Manual, 1991)

T_t : 1000 ft / 1.8 ft/s = 556 seconds

Graveled area – Burr Ranch Road

Distance = 3000 feet, Average Slope $\approx 3\%$

Velocity = 4 ft/s (Figure 7-1, MDT Drainage Manual, 1991)

T_t : 3000 ft / 4 ft/s = 750 seconds

$T_c = 1306 \text{ seconds} = \underline{22 \text{ min}}$

Storm intensity = 1.75 in/hour (Figure 7-3, MDT Drainage Manual, 1991)

Runoff Coefficient: $C_{pre} = \frac{0.85(1.6 \text{ acres}) + 0.20(33.7 \text{ acres})}{35.3 \text{ acres}}$
 $= 0.23$

Runoff (Q) = $C_i A$
 $= 0.23 (1.75 \text{ in/hour})(35.3 \text{ acres})$
 $= 14.2 \text{ cfs}$

Post-Development (Basin C)

Combined Runoff Coefficient = $\frac{0.9(1.6 + 0.9 \text{ acres}) + 0.1(5 \text{ acres}) + 0.20(28.4 \text{ acres})}{35.3 \text{ acres}}$
 $= 0.24$

Post Development Runoff (Q) = $C_i A$
 $= 0.24(1.75 \text{ in/hr})(35.3 \text{ acres})$
 $= 14.8 \text{ cfs}$

$Q_{Post} - Q_{Pre} = 0.6 \text{ cfs}$

Volume = $0.6 \text{ cfs}(3600 \text{ seconds}) = 2160 \text{ cubic feet.}$

Post Development 100 year- 1 hour storm

Post Development 100 year- 1 hour storm

Runoff $Q = C_i A$

$$\begin{aligned} &= 0.23(1.01 \text{ in.hr})(35.3 \text{ acres}) \\ &= \underline{8.24 \text{ cfs}} \end{aligned}$$

BASIN D

Size=32.8

Average Slope \approx 8%

Coefficient of Runoff, $C=0.30$ (Table 7-9, "Hydrologic Analysis and Design", McCuen, 1998)

Home Sites= 4

Impervious area= $4(6000 \text{ sf}) + 4(1800 \text{ sf}) = 0.72 \text{ acres}$

Lawn Area = $4(1 \text{ acre}) = 4 \text{ acres}$

Dominant Soil= A

Road Length (Gravel Post Development)=600 L.F. = 0.28 acres

Pre-Development (Basin D)

Time of Concentration T_c :

Short grass/pasture & lawn

Distance = 450 feet, Average Slope \approx 8%

Velocity = 1.5 ft/s (Figure 7-1, MDT Drainage Manual, 1991)

$$T_t: 450 \text{ ft } 1.5 \text{ ft/s} = \underline{300 \text{ seconds}} = \underline{5 \text{ min}}$$

Storm intensity= 3.46 in/hr (Figure 7-3, MDT Drainage Manual, 1991)

$$\begin{aligned} \text{Runoff (Q)} &= CiA \\ &= 0.3(3.46 \text{ in/hr})(32.8 \text{ acres}) \\ &= \underline{34.0 \text{ cfs}} \end{aligned}$$

Post-Development (Basin D)

Combined Coefficient of Runoff (C)=

$$\frac{0.9(0.72 \text{ acres}) + 0.85(0.28 \text{ acres}) + 0.1(4 \text{ acres}) + 0.3(27.8 \text{ acres})}{32.8 \text{ acres}} = 0.29$$

$$\begin{aligned} \text{Runoff (Q)} &= CiA \\ &= 0.29(3.46 \text{ in/hr})(32.8 \text{ acres}) \\ &= \underline{32.9 \text{ cfs}} \end{aligned}$$

$Q_{\text{Post}} < Q_{\text{Pre}}$ No storage required

Post Development 100 year- 1 hour storm

$$\begin{aligned} \text{Runoff } Q &= CiA \\ &= 0.29(1.01 \text{ in.hr})(32.8 \text{ acres}) \\ &= \underline{9.6 \text{ cfs}} \end{aligned}$$

BASIN E

Size=14.5 acres

Average Slope \approx 14%

Coefficient of Runoff, $C=0.30$ (Table 7-9, "Hydrologic Analysis and Design", McCuen, 1998)

Home Sites= 1

Impervious area= 1(6000 sf) + 1 (1800 sf) = 0.18acres

Lawn Area = 1 (1 acre)= 1 acres

Dominant Soil= A

Road Length=0 L.F. = 0 acres

Pre-Development (Basin D)

Time of Concentration T_c :

Short grass/pasture & lawn

Distance = 500 feet, Average Slope \approx 14%

Velocity = 1.9 ft/s (Figure 7-1, MDT Drainage Manual, 1991)

T_c : 500 ft / 1.9 ft/s = 263 seconds = 5 min

Storm intensity= 3.46 in/hr

Runoff (Q)= CiA

= 0.3(3.46 in/hr)(14.5 acres)

= 15.0 cfs

Post-Development (Basin D)

Combined Coefficient of Runoff (C)=

$\frac{0.9(0.18 \text{ acres}) + 0.1(1 \text{ acres}) + 0.3(12.7 \text{ acres})}{14.5 \text{ acres}} = \underline{0.28}$

Runoff (Q) = CiA

=0.28(3.46 in/hr)(14.5 acres)

= 14.0 cfs

$Q_{\text{Post}} < Q_{\text{Pre}}$ No storage required

Post Development 100 year- 1 hour storm

Runoff $Q=CiA$

=0.28(1.01 in.hr)(14.5 acres)

= 4.1 cfs

MAINTENANCE PLAN

The facilities necessary to accommodate the anticipated increase in storm water runoff include roadside ditches, culverts, small detention swales, infiltration, sumps, check dams and best management practices. Additionally, the disturbed areas will be seeded the first growing season after construction to reduce the erosive effects of storm water flows.

Due to the simplistic nature and overall drainage system size, the maintenance is anticipated to be minimal. However, the anticipated maintenance includes cleaning culverts and re-grading ditches. Debris such as organics, silts, trash, etc. may plug culverts or impede storm water flows, and reduce the storage volume. Maintenance should be conducted at intervals necessary to efficiently pass storm water runoff as designed. The actual cleaning interval is highly variable and depends on numerous factors. However, it is recommended an annual visual inspection of the facilities be performed to evaluate the condition of each facility. No structures, improvements, or other miscellaneous items which will affect the safe and efficient passage of storm water flows, shall be placed in either the roadside ditches or the detention basin.

CONCLUSION

As required by ARM 17-36-310 and the Ravalli County Subdivision Regulations a storm drainage plan was prepared for the proposed fourteen (14) lot single-family subdivision. The storm drainage plan utilizes roadside ditches, and retention basins to control stormwater where needed.

By implementing the proposed storm drainage plan, the proposed fourteen (14) lot subdivision will be capable of safely, economically, and efficiently detaining the anticipated storm water resulting from a 10 year storm event and will also safely pass the 100 year storm event.



ATTACHMENT A



DETENTION TRENCHES FOR LOTS 8-14

Increased Storm Runoff = 0.06 cfs

Increased Volume = 216 ft³

Infiltration Trench: Assume 0.3 voids (DEQ8), 3 ft deep trench and 50 ft long trench

Volume from 18" Slotted CMP

$$(1.5 \text{ ft diameter})^2/4 = 1.77 \text{ ft}^2$$

Length = 50 ft

$$\text{Volume} = 1.77 \times 50 = 88 \text{ ft}^3$$

Remaining Volume

$$216 \text{ ft}^3 - 88 \text{ ft}^3 = 128 \text{ ft}^3$$

Required Size

$$128 \text{ ft}^3 / (0.3 \times 3 \text{ ft depth}) = 142 \text{ ft}^2$$

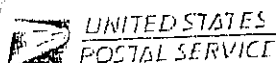
$$142 \text{ ft}^2 / 50 \text{ ft length} = 2.84 \text{ ft} = 3 \text{ ft Width}$$

Infiltration Trench:

3 ft deep x 3 ft wide x 50 ft long



BIG SKY DISTRICT
GROWTH MANAGEMENT



June 8, 2007

RECEIVED

JUN 11 2007

Beavall County Planning Dept.

10-07-06-729

EXHIBIT A-2

To: County Planning Office

Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

SUBDIVISION APPLICATION PACKET CHECKLIST -- Water and Sanitation Information Per MCA 76-3-622

Name of Subdivision: *Burns Creek Ranch*

EXHIBIT A-3

Subdivider/Landowner Name(s): *PAUL SHIRLEY*Consultant Name: *PCE*

Date Received: _____ Sufficiency Review Due Date: _____

Yes	No	N/A	Item	Additional Information/Staff comments
-----	----	-----	------	---------------------------------------

(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

<input checked="" type="checkbox"/>			Provide two copies of the following information with a check paid to RCEH for their \$50.00 sufficiency review fee.	
			(a) Vicinity Map or Plan	
<input checked="" type="checkbox"/>			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	(A) flood plains	
<input checked="" type="checkbox"/>			(B) surface water features	
<input checked="" type="checkbox"/>			(C) springs	
<input checked="" type="checkbox"/>			(D) irrigation ditches	
<input checked="" type="checkbox"/>			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
<input checked="" type="checkbox"/>			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
<input checked="" type="checkbox"/>			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
<input checked="" type="checkbox"/>			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
<input checked="" type="checkbox"/>			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
<input checked="" type="checkbox"/>			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

RECEIVED

SEP 06 2006
 1006-09-1413
 Ravalli County Planning Dept.

Yes	No	N/A	Item	Additional information/Staff comments
/			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
/			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
/			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
/			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
/			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
/			(i) obtained from well logs or testing of onsite or nearby wells;	
/			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
/			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
/			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
/			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

Morgan Jamell B

VICTOR VOLUNTEER FIRE DEPARTMENT

PO Box 243
Victor MT 59875
Phone: 406-642-3180
Fax: 406-642-3448
e-mail: victorfd@cybernet1.com

Date: 7-18-07
To: Tristan Riddell
Ravalli County Planning Office
Re: Burr Creek Ranch Subdivision

On April 11, 2007 the Board of Directors for the Victor Volunteer Fire Department voted to approve the cover letter dated April 10, 2007 and the attached primary plat dated 3/8/2007 for the Burr Creek Ranch subdivision from Professional Consultants Inc.

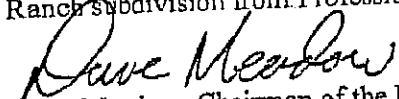

Dave Meadow, Chairman of the Board

EXHIBIT A-5

Renee Van Hoven

From: Tom H [tomh@pcimontana.com]
Sent: Tuesday, July 24, 2007 11:05 AM
To: Renee Van Hoven
Cc: Tristan Riddell; PTShirley@yahoo.com; Bill B; Karen Hughes
Subject: RE: Burr Creek Ranch

Renee:

Thanks for leaving messages. Perhaps someone will show up. Please consider my responses to your discussion below. I look forward to meeting with you on-site tomorrow.

Tom

* Tom's comments*

From: Renee Van Hoven [mailto:rvanhoven@ravallicounty.mt.gov]
Sent: Tuesday, July 24, 2007 8:57 AM
To: Tom H
Cc: Tristan Riddell; PTShirley@yahoo.com; Bill B; Karen Hughes
Subject: RE: Burr Creek Ranch

Hi Tom,

The only person I actually talked to was Ron Ehli and he will not be able to make the site visit on Wednesday. I left messages with everyone else.

Tom Dobberstein, the Chief, wrote a letter dated October 17, 2006 that outlined three concerns. The first was that the internal road exceeds 6%. Since the Fire Council as a whole has approved of grades less than or equal to 10%, the 9% grade of the internal road doesn't appear to be a problem. There seems to be some confusion between the Victor Fire Department and the Fire Council regarding grade. The second concern is that the developer is not building a through road. The third concern is regarding water supply. *I believe we responded positively to each of these 3 concerns in my letter of April 10, 2007. And the VVFD Board agreed in action April 11 (see VVFD letter of 7-18-07) *

It is my understanding that Tom Dobberstein has been ill. I'm guessing that he did not weigh in on the recent approval letter from the Board of Directors, but that is speculation. It is extremely difficult to get comments from fire districts because they are volunteers, so I'm not surprised that we have received little comment. *I note that the 7-18-07 letter from VVFD states that the Board took action and approved our mitigation plan at a Board meeting of April 11, 2007. I presume that Tommy was at that meeting - but don't know. Also am not sure it matters - isn't it the Board who makes decisions? *

How would emergency service vehicles get to the western portion of the subdivision if the cul-de-sac entrance was blocked and it was during the winter when the end of Moose Hollow is impassable, as the neighbors stated it was at certain times of the year? The combination of the long cul-de-sac road, the current state of Moose Hollow, and the location of Fred Burr Creek/dam inundation zone make the variance a hard sell. I'm not trying to be difficult - I know you that worked hard to get a response from the Fire District, but the Planning Department still has concerns about public health and safety. *Renee - it seems to me that you are stacking disaster on disaster. It makes sense to me if Moose Hollow is impassable in winter - then having an alternate emergency route through Burr Ranch would be beneficial - at least a better option than no access and vice-versa? Having both roads impassable at the same time is not a likely event. Burr Ranch Road has a HOA with road maintenance and snow plowing responsibility. I don't know what winter condition would be likely to close this route.

I also want to point out that Burr Reservoir is typically near empty in the winter months (after irrigation season and in prep for spring run-off), so a dam failure in winter is very unlikely. I also want to point out that there are many

7/27/2007

dam inundation areas in the Bitterroot - most of which are ignored in the planning process, or at least not assigned the significance that Burr Reservoir seems to have. Consider Big Creek Lake which floods my house, Mittler Road and Highway 93. Canyon Dam which takes out the Westside Road, or Lake Como Dam which would flood Highway 93 and further down the Eastside Highway - and many other examples. All this points to the MEMO from Larry Schock dated 12/22/06 explaining the Burr Reservoir Emergency Action Plan; *"The maps (inundation maps) were included in the EAP to be used by emergency response personnel as a guideline for evacuation purposes, and are not intended for regulatory purposes"*. Lastly I want to bring to your attention the letter dated February 6, 2007, from the Planning Department and signed by the Director and the Floodplain Administrator. In the first paragraph *"...we recommend approval of the floodplain analysis for the Burr Creek Ranch subdivision and recommend the below conditions to mitigate the impacts to public health and safety and the natural environment"* (We met all conditions presented). And in the second to last paragraph *"The extended setback to the CW breach inundation area would in addition mitigate the impacts to the public health and safety in the event of a dam failure."* And again, we met this condition.

I guess Renee that I am at a loss as to what to further offer to mitigate your "doomsday" scenarios. Seems to me we have done everything possible, short of no development. And I want to point out that "no development" will leave Moose Hollow with no relief to its present poor access condition during emergency needs. ✕

Tom

Thanks,

Renee

From: Tom H [mailto:tomh@pcimontana.com]
Sent: Tuesday, July 24, 2007 8:14 AM
To: Renee Van Hoven
Cc: Tristan Riddell; PTShirley@yahoo.com; Bill B
Subject: RE: Burr Creek Ranch

Thanks Renee - When you stated you "contacted" these folks - did you actually talk to anyone (or just leave messages) and did no one say they'd come? I'd be happy to help - but I'm not sure they will come out for me - if not for you?

Also - it seems to me that if they had strong concerns 1) they wouldn't have written the approval letter and 2) they'd come out and voice those concerns when given this much opportunity.

Let me know if you feel I should be calling them further.

Tom Hanson

From: Renee Van Hoven [mailto:rvanhoven@ravallicounty.mt.gov]
Sent: Monday, July 23, 2007 4:42 PM
To: Tom H
Cc: Tristan Riddell
Subject: Burr Creek Ranch

Hi Tom,

I just wanted to let you know that I've contacted Bitterroot RC&D, the Victor Fire Department headquarters, Ron Ehli (Fire Council), Dennis Ping (Asst. Chief VRFD), and Earl Grey (member VRFD). So far I've only been able to get a hold of Ron and he's hesitant to meddle in another district, but is a good source for contacts. It would be great if we could get a fire person to join us on Wednesday.

7/27/2007

EXHIBIT B-1

Tristan Riddell

From: DeHaan & Spagnoli [yathabhuta@in-tch.com]

Sent: Tuesday, August 07, 2007 3:46 PM

To: Tristan Riddell

Subject: Burr Creek Ranch from Roger De Haan

Tristan - It is Roger De Haan here.

This note will follow up our phone conversation earlier today. It is my opinion that the Burr Creek Ranch needs to pay very close attention to its irrigation plan. In fact, I believe every subdivision in the County should have an irrigation plan that is coordinated through the Environmental Health Department to insure that the proposed irrigation is consistent with conditions that exist at the time of groundwater monitoring.

In the case of the Burr Ranch, I know that there is a history of very high groundwater on the property. The groundwater at my place just east of there approaches 18 inches from the surface at peak irrigation season. I know that when the Burr property was monitored that all ditches were closed and there was no irrigation at all on the property in order to enable them to meet the required water levels. I am afraid that if even a short amount of ditch is opened back up it will significantly affect the water levels.

JR Iman and I spent some time talking about this situation, and both of us agree that it would be very unsatisfactory to leave the lower lots without any irrigation - they would basically turn into dry weed patches. However, because of the need to keep groundwater low, I do not think you can have even a short ditch operating. Our conclusion was that the owners may have to look at a series of pumps drawing directly from Fred Burr Creek that feed a main line that the lots can tap for sprinkler irrigation.

In any case, there needs to be careful consideration given to the irrigation plan and groundwater monitoring requirements for this project, as well as all other subdivisions in the County. It may be appropriate that permanent groundwater monitoring pipes be installed with an agreement that water levels will always be kept below a certain level.

I am hopeful that you will discuss all this with both JR Iman and Lea Jordan in the Environmental Health Department, and work out an appropriate plan with the owners.

Thanks for keeping me posted. I trust that all neighbors will be notified of any subsequent meetings as they were for the initial meeting.

Roger

EXHIBIT B-2

8/1/2007 Wed. 7:00 PM Planning Board

Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision + 1 Var Public
Hearing Continuation
Commissioners Meeting
Room

JUL 31 2007
1607-07-942
Ravalli County Planning Dept.

July 31, 2007

Dear Planning Board and Commissioners,

1. If access to Moose Hollow Rd is granted as Burr Creek Rd's emergency exit, I believe it should **also be defined as an emergency ENTRANCE & EXIT for Moose Hollow Rd.** The benefit should be 2 way. I would like the road clearly marked and recorded by 911 dispatch-- Ambulance, Fire, Police. In the event an ambulance is needed on Moose Hollow, the shortened route thru a breakaway gate via Burr Creek Rd in any weather could save someone's life. Obviously, which ever entrance that is the most direct or accessible should be used.

A regulation county/state hwy approved emergency breakaway gate should be the type installed with fencing running the property boarder.

2. If the county approves Moose Hollow (a county road) as an emergency exit, **the county should place Moose Hollow on the county snow plow route**-to plow and sand the hill at the very least. It's not an emergency exit if the road is impassible by many vehicles part of the year due to snow and ice. **Without this maintenance a false sense of security is created** to those on Burr Creek Rd.

Currently mail is not delivered past the second curve and down Moose Hollow hill. UPS stops delivering down the hill in the winter once the first snow/ice hits. Some residents park at the top and walk in.

3. I would also like a **pedestrian/ bicycle (non-motorized) access gate** alongside the breakaway gate. It is inevitable that adults/children will know each other in the neighboring communities and I feel that pedestrian access will foster positive interaction.

Noellynn Pepos
362 Moose Hollow Rd
Victor, MT 59875

EXHIBIT B-3

Tristan Riddell

From: paula lukaszek [plumbp@earthlink.net]
Sent: Tuesday, July 17, 2007 9:58 AM
To: Tristan Riddell
Subject: Burr Creek Ranch variance

Planning Board,

I am an adjacent land owner to the Burr Creek Ranch. I have reviewed the Burr Creek covenants and restrictions and I am pleased that they intend to have restrictions on yard lighting and glare etc. They seem to be concerned about how this development will affect their existing neighbors.

However, I would like to comment on the #1 variance request. I am concerned about the effect that wells for potentially 28 homes being drilled in such a small section and the effect it will have on my currant well in the future. In addition, I'm concerned about the effect that 28 new septic fields will have by getting into the water tabel that feeds my well and Bear creek. Does the EPA standards or county regulations require the county to monitor for potential ground water contaimeination from new developments?

As far as this project generating potentially 224 trips per day, I think this will be a huge impact not just on Meridian Road but the adjouring roads. The public cost to repair/replace Meridian Road from this development will be substantial. While my property taxes help fund road repair, I think that new developers have an obligation to offset the additional cost that their growth create. I feel that this developer should pay to bring Meridian Road up to County standards because of the huge numbers of potential trips per day that this project will generate versus the number of trips that the surrounding properties generate currently.

I think the #1 variance does vary the provisions of the Growth policy and that it will cause substantial increase in public cost. Therefore I ask you to vote no to granting the #1 variance.

Paula Lukaszek Tract 42 Moose Hollow Rd.

RECEIVED

JUL 18 2007

Ravalli County Planning Dept.
Public Hearing

EXHIBIT B-4

**ROGER W. DE HAAN
1489 MERIDIAN ROAD
VICTOR, MONTANA 59875
PHONE: (406) 961-3953**

July 18, 2007

An open letter to Ravalli County Commissioners and Planning Board:

Re: Comments on proposed Burr Creek Ranch subdivision

We are neighbors on the east side of the proposed 150 acre Burr Creek Ranch. Although I deeply regret that we are turning our working farm and ranch land into subdivisions, I recognize that is an unavoidable reality in Ravalli County.

However, I strongly believe that if we are going to convert farmland to subdivisions, we should do it properly, with maximum control of unintended consequences, and minimum added expense to County taxpayers.

I am grateful to the original owner, Mr. Merlin Schram, who covenanted the land when he sold it several years ago, that any future owner could not build more than 14 houses on the 150 acres. I just heard last night that the current proposal is actually for 28 houses - 14 "main" houses plus 14 "guesthouses". This needs to be checked against the original covenant, with total houses strictly limited to 14.

I also strongly believe we need to stop giving variances to subdivisions on the road rules. As a member of the Health Board we frequently deal with variance requests, and we try to strictly reserve them for situations that are truly unique, out of the ordinary, where application of the standard rules just isn't possible for good reason - not just that it might cost more money. This subdivision, as far as I can see, is completely standard and should NOT qualify for any variance. There is nothing unusual about the project that would allow it to qualify for any variance from the rules. I think the owner was purposely trying to circumvent the subdivision rules by building the "existing" road before having it approved through the subdivision process. The road was clearly built just for the future subdivision and hence should be held to all standards.

As a brief aside, I believe that Ravalli County clearly needs a road construction ordinance so that no road, of any type for any reason, can be constructed in the County unless it is reviewed and approved for appropriate standards.

Back to the Burr Creek subdivision, this property has a long history of high groundwater. At our place on the east side of the property, the groundwater comes up to within 18 inches of the ground surface just as soon as the ditches turn on in the spring. Old man Schram irrigated as much of the property as he could for hay production, and as a result the water table was very high - standing water in some low places.

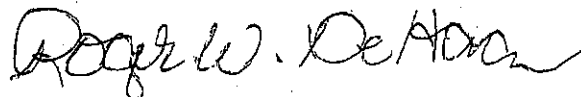
When the developer monitored for drainfield approval, of course they withheld all irrigation water from the land. The original proposal that was sent to me via the Health Board said that after development they were not going to have ANY irrigation on the property and the water rights, which I think is the number one right on Fred Burr Creek, would be dedicated to the Conservation District (or some agency) for maintaining in-stream creek flows. Now, I have heard rumors that they want to keep some of the water on the ground for the park area. There will be a big issue with the groundwater monitoring for drainfield approval if that happens, because all of the existing results are dependent on no irrigation at all. I am unsure if this would also prohibit sprinkler irrigation. That is a question for the Environmental Health Department to answer.

Note paragraph J. of Article 3 in the County Subsurface Wastewater Treatment and Disposal Regulations: *"The Department may reject groundwater monitoring information during a drought year ... or if historic information is available that indicates a high groundwater situation ... or if site conditions exist that are not typical to the property. An example of site conditions being atypical would be a property where normal irrigation practices have been altered or suspended during the season when groundwater monitoring is conducted, but irrigation will or does resume after monitoring is conducted."*

Other issues I am hoping we can resolve with the owner would be limiting all outside lights to full cut off lighting. It is my hope that this will become standard for all subdivisions. Plus I think we need a strict covenant to prohibit "nuisance dogs". That means no kennels, excessive barking, free roaming dogs etc. Some might argue that the new County dog ordinance will cover that, but again from the Health Board perspective, who has to deal with all the dog bite cases in the County, that ordinance isn't worth the paper it is written on. It has no enforcement and no funding, hence no results. Dog issues are becoming very big in this County and it wouldn't hurt to have an extra "layer" of protection by having a subdivision enforce its own dog rules.

Thank you for considering these comments, and for insuring that this, and all other subdivisions, strictly follow applicable rules and regulations to minimize adverse impacts on the neighbors and the rest of the County.

Sincerely,



Roger W. De Haan
Adjacent Landowner

EXHIBIT C

**Ravalli County Planning Board
Meeting Minutes for July 18, 2007
3:00 p.m.**

Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

Public Meeting

Saddle Hills (Sardot) Major Subdivision and Two Variance Requests

Plat Evaluation

Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and One Variance Request

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Chip called the meeting to order at 3:00 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
Phil Connelly (present)
Ben Hillicoss (present)
Dan Huls (absent – excused)
JR Iman (present)
Lee Kierig (present)
Maura Murray (absent – excused)
Chip Pigman (present)
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Karen Hughes
Kimberli Imig
Shaun Morrell
Tristan Riddell
Renee Van Hoven

3. Approval of Minutes

Chip asked if there were any corrections or additions to the minutes from June 27, 2007. There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

(A) Saddle Hills (Sardot) Major Subdivision and Two Variance Requests

(i) Staff Report on the Subdivision Proposal

Renee stated that there were a few concerns regarding legal access and Staff received updated easement information, but has not had time to review the new information. She noted the applicant asked that the Planning Board discuss the major issues and to postpone the Planning Board's formal recommendation for the time being. She explained that the discussion on this subdivision will be similar to a plat evaluation under the old Subdivision Regulations. (See Attachment B, Memo from Renee Van Hoven with Saddle Hills Draft Staff Report)

Phil asked if the new information changed Staff's recommendation on the subdivision.

Renee said that it did not at this point since Staff did not have time to review the information.

(ii) Presentation by Subdivider's Representative

Terry Nelson, from Applebury Survey, said he asked to have this meeting to receive feedback from the Board and public so any concerns or suggestions can be addressed in time for the formal Planning Board meeting. He summarized the proposal and disputed Staff's recommendation to restrict the future subdivision of Lot 20.

Jason Rice, from Territorial-Landworks, explained the variance requests and proposed mitigation, which included improving Upper Woodchuck Road in lieu of paying pro rata on both Upper Woodchuck Road and Eight Mile Creek Road. He was concerned that pro rata money is not necessarily applied to the affected roads.

(iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposals

There was none.

(iv) Planning Board deliberation and recommendation on the subdivision proposal

The Board discussed FWP's determination that the property is in elk winter range. **John Vore** of FWP confirmed that the property is within elk winter range based on his site visits. He reiterated FWP's recommendation that Lot 20 be restricted from

further development and their preference that any development of the site be tightly clustered, or only a few, large lots.

The Board discussed the future subdivision of Lot 20. **Shaun** clarified that Staff's recommendation is to restrict future development until permanent zoning is put in place. **Renee** noted that Staff was having a hard time determining wildlife impacts from this subdivision or potential mitigation because there is no wildlife plan or zoning in place.

The Board discussed development off Upper Woodchuck Road in Missoula County. **Jason Rice** referred to an exhibit noting that approximately 160 lots north of the county line are accessed off Upper Woodchuck Road. (See Attachment C, Map submitted by Jason Rice)

Les stated that in the past, the Board required property owners to fence irrigation ditches.

Terry Nelson stated that no fencing is required for a ditch of this size.

The Board discussed irrigation water rights. **JR** stated that he would like a notification on the plat stating that lot owners do not have water rights. He also noted that there have not been improvements to County roads within the last 15 years.

Renee stated that Jeff Peters was allowed to do improvements to a county-maintained road leading to his subdivision in lieu of pro rata. He worked out a deal with David Ohnstad. She noted this may be a possibility for Saddle Hills.

8. Public Hearing

(A) Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and One Variance Request

- (i) Staff Report on the Subdivision: **Tristan Riddell** gave an overview of the subdivision proposal and variance request and stated Staff recommended denial of the variance request and hence denial of the subdivision due to the fact that the subdivision is not complete without an approved variance request or a design that meets the Subdivision Regulations. He entered the Staff Report into the record. (See Attachment D, Burr Creek Ranch (Burr Creek Ranch, LLC) Staff Report, Attachment E, Update to the Burr Creek Ranch Staff Report, and Attachment F, Comments from the Victor Volunteer Fire Department and Paula Lukaszek)

- (ii) Three Minute Rule Waiver Requests

There were none.

- (iii) Public Comment on the Subdivision Proposal and Variance Request

- (a) Persons in Favor

Paul Shirley, the landowner, stated that the proposal is for 14 homes on 150 acres and the purchasers will be established people. He said that the reason

for staff denial was not clear to him until last week. He noted that the Victor Fire District approved their proposed mitigation, but did not give that information to him or the Planning Department until today.

Bill Burnett, PCI, gave a summary of the subdivision proposal. There would be 14 lots and 26.6 acres as a common area. Guest houses that were previously proposed were dropped from the proposal. He noted that in regard to the variance from cul-de-sac length, Burr Creek Ranch Road is a private road with low traffic. The road has two roundabouts so emergency vehicles do not have to go to the end and turn around. The proposal includes an emergency access near the end of the cul-de-sac so the residents can leave in case of an emergency.

He noted that should Fred Burr Dam break, the water will take two hours to hit the subdivision and the amount of water would only be one-and-a-half feet of water or less. He explained that the duration of the flood would be approximately two hours. He stated that west of the creek would be fine during an inundation, and residents east of the creek could use the emergency access. He also noted that each lot has a buildable site out of the inundation zone.

He explained that all septic drainfields will be located 100 feet from the 100-year floodplain. He noted that a portion of the subdivision is in the floodplain and that if additional homes are built, the status of the dam would be elevated to high hazard. He explained that Zone A is a no-build/no-alteration zone around the 100-year floodplain. Zone B is a temporary no-build zone based on the clear weather breach zone of Fred Burr Dam. The temporary status can be removed or revised if the dam status changes, but only by the governing body.

Regarding fire protection, he noted that an emergency connection will be built to Moose Hollow with a breakaway gate. The applicant will build run out driveways along Burr Creek Road to use if needed for fire trucks.

He explained that the Bull trout will be protected by the no-build/alteration zones and the site is only marginal habitat for the Bobolink per FWP. The developer has proposed a common area of 26.6 acres and mitigation to protect the potential Bobolink habitat by limiting development of Lots 1 through 5 to a ¼-acre adjacent to those homes.

(b) Persons Opposed

Jan Varner was concerned about maintenance of Moose Hollow Road. He noted that it is a tree-lined, 20-foot wide, county-owned, but not county-maintained road. Maintenance on the road is done by other property owners on Moose Hollow Road. The last 3/8 mile to the proposed subdivision is in poor condition because of a steep hill and sharp turn which make it inaccessible at certain times during the winter. He was concerned about safety because of the narrowness of the road and impacts to children and wildlife. He stated that the developer has built one home on the property and the emergency access road is already in use. He did not want Moose Hollow Road to be used as the emergency access.

Roger De Haan summarized comments he submitted to the Board in letter format. (See Attachment G, Letter from Roger De Haan)

Darlene Golas, a neighbor to the proposal, expressed that Moose Hollow residents are worried that the emergency access will be used for through traffic. The Moose Hollow Road Association has never been approached about Burr Creek Ranch using the road for emergency access. She asked what repercussions could be taken by the group that maintains Moose Hollow Road if the emergency access is used for more than emergencies. She stated that the limit on the road seems unenforceable.

(c) Rebuttal

Bill Burnett noted that DEQ approved all the septic permits and noted that there are water rights, but past watering practices will not be used.

Tom Hanson explained that the gate currently at the site is not the final emergency gate that will be used and only emergency services would have the key to the gate. He did not foresee future residents using Moose Hollow when the residents already have paved roads.

John Kellogg summarized the ultimate goal, which is to get a through road between Red Crow Road and Meridian Road.

(d) Close: Public Comment

(iv) Board Deliberation on Variance Request 1 (Cul-de-sac length)

(a) Board discussion and questions (to proponents and opponents as needed)

Phil asked Staff if they still recommend denial with all the proposed mitigation.

Renee asked how residents could flee from the subdivision if the cul-de-sac was blocked. She also noted that Staff did not receive the letter from the Victor Fire District until 2:00PM today.

Lee stated that limitation on a dead end cul-de-sac is a concern. He noted that if there was a loop in the road, the developer would not need a variance. He asked Staff if they were looking for a secondary way out of the subdivision if the primary route is blocked.

Tristan confirmed that statement.

Les asked the capacity and condition of the bridge leading to the subdivision and asked what would happen if it fails.

Tom Hanson stated that it was engineered not to fail.

JR recommended that the developer split water rights among Lots 1 through 4 so that past watering practices could continue. He discussed the differences between cul-de-sacs and hammerhead turnarounds.

Ben asked how sprinkler irrigation would affect Bobolink habitat.

Bill Burnett stated that John Vore said irrigation was better for the bird, which means that they could expand irrigation to more areas than the common area as recommended by JR.

Ben recommended placing a sign 100 yards back from turn outs so inexperienced fire truck drivers would know one was available. He also recommended that the subdivision have regular access to Moose Hollow Road so that there would always be two ways to exit the area.

Darlene asked if future lot owners in this subdivision would help pay for Moose Hollow Road maintenance and noted that enforcement of the issue will be difficult.

Ben suggested that the groups negotiate that.

Dale stated that the developer should maintain Moose Hollow Road to assist emergency vehicles who need to access the subdivision.

Ben asked if Staff was still recommending denial of the subdivision.

Tristan responded that they were because they have not had time to process the new material. Given time, there may be a chance for a different recommendation, but based on public health and safety issues, the current recommendation is still for denial.

Tom Hanson asked that the subdivision's public hearing be continued to August 1, 2007, at 7:00 p.m.

(b) Board action

The Board agreed to continue the public hearing to that time and date.

9. **Communications from Staff**

Karen explained the packet of information she gave to the Board. (See Attachment H, Email regarding next set of meetings, Memo regarding next set of meetings, Updated graphs from Larry Swanson and an updated Report from PPRI on Public Involvement Process for Ravalli County Zoning Initiative) She explained that the next set of zoning meetings will involve Larry Swanson to create enthusiasm for the following sets of meetings, including the Nuts & Bolts sessions and the Community Planning Committee workshops. She hoped that either PPRI or the Sonoran Institute would be able to lead the Community Planning Committee Workshops. She noted that the zoning workshops shifted to question-and-answer sessions and the set of meetings will start in the beginning of August and end during the beginning of November. In addition, Karen noted she would be issuing an RFP or RFQ for a planning consultant to help coordinate the zoning process. She asked the Land Use Subcommittee if they would be

interested in refining the Community Planning Committee Reference Manual and the Public Involvement Plan so they are ready to use prior to starting the community meetings.

10. **Communications from Public**

There was none.

11. **Communications from Board**

The Board discussed the Land Use Subcommittee and it was confirmed that they would hold a meeting the following day.

12. **New Business**

(A) Screening Committee Rotation

The Board agreed that Screening Committee members for the month of August will be **Lee, Dale** and **Mary Lee**. **Bob** volunteered to be the alternate.

13. **Old Business**

There was none.

14. **Next Regularly Scheduled Meeting: August 1, 2006 at 7:00 p.m.**

(A) Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and One Variance Request
– Public Hearing Continuation

15. **Adjournment**

Chip adjourned the meeting at 5:35 p.m.